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INC.
12

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15

16 PARAMOUNT PICTURES
CORPORATION, a Delaware
17 corporation; and CBS STUDIOS INC.,
a Delaware corporation,
18

19 Plaintiffs,

20 v.

21 AXANAR PRODUCTIONS, INC., a
California corporation; ALEC PETERS,
an individual, and DOES 1-20,
22

23 Defendants.
24

Case No.: 2:15-cv-09938-RGK-E

**PLAINTIFFS' MOTION IN
LIMINE NO. 7 TO EXCLUDE
TESTIMONY AND DOCUMENTS
DISCUSSING PETERS'
UNRELATED WORK
REGARDING STAR TREK
PROPS**

Discovery Cutoff: November 2, 2016
Pre-Trial Conference: January 9, 2017
Trial: January 31, 2017

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1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that, on January 31, 2017, at 9:00 a.m., or as soon
3 thereafter as counsel may be heard in the Courtroom of the Honorable R. Gary
4 Klausner, United States District Judge, Central District of California, located at 255
5 E. Temple Street, Los Angeles, California 90012, plaintiffs Paramount Pictures
6 Corporation and CBS Studios Inc. (“Plaintiffs”) will and hereby do move to exclude
7 testimony and documents regarding defendant Alec Peters’ unrelated work for CBS
8 on Star Trek props prior to this litigation, because it is not relevant to this case.

9 Plaintiffs discussed the reasons for the filing of this Motion with Defendants’
10 counsel. This Motion is based on this Notice, the accompanying Memorandum of
11 Points and Authorities, the Declaration of Jennifer Jason, all records in this action
12 and on such further argument, evidence and authority as may be offered at the time
13 of hearing.

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Dated: December 16, 2016

LOEB & LOEB LLP
JONATHAN ZAVIN
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By: /s/ Jennifer Jason
Jennifer Jason
Attorneys for Plaintiffs
PARAMOUNT PICTURES
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiffs Paramount Pictures Corporation and CBS Studios Inc. (collectively, “Plaintiffs”) filed this lawsuit on December 29, 2015, based on works created by Defendants Axanar Productions, Inc. and Alec Peters (collectively, “Defendants”) that infringe Plaintiffs’ copyrighted Star Trek works. A number of years prior to this litigation, Peters worked with CBS to catalog and auction used original Star Trek props. Plaintiffs anticipate that Defendants will seek to introduce evidence and argument relating to such work. Such evidence and testimony are not relevant to the case because Plaintiffs have not filed suit regarding such work, nor is there anything with respect to such work, done years before the creation of the infringing Axanar works, that is related to or relevant to the claims in this action, and as such they should be excluded at trial.

II. DISCUSSION

A. Documents and Testimony Regarding Peters’ Unrelated Work Regarding Star Trek Props are Irrelevant and Should be Excluded.

Federal Rule of Evidence 401 defines “relevant evidence” as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” See *United States v. Curtin*, 489 F.3d 935, 948 (9th Cir. 2007)(citation omitted).

Years before either the creation of the infringing Axanar works, or the filing of this lawsuit, defendant Alec Peters (“Peters”) worked for a limited time with CBS Studios Inc. (“CBS”) to assist in cataloguing and/or selling at auction certain Star Trek props. Declaration of Jennifer Jason (“Jason Decl.”), ¶¶ 4-5, Exs. A, B. Such work had nothing to do with this case, and Plaintiffs have not filed suit regarding such work.

1 The admission of any such testimony and documents would be prejudicial
 2 because they are an obvious attempt to link Peters with CBS, to fool the jury into
 3 thinking he was authorized in some way to create the infringing Axanar works,
 4 when in reality, Peters’ work with CBS was performed years before the Axanar
 5 works, and had nothing to do with Star trek films. Jason Decl., ¶¶ 4-5, Exs. A, B.
 6 Such testimony would be highly confusing to the jury, and not probative of any of
 7 the issues in this case. *United States v. Hitt*, 981 F.2d 422, 423-35 (9th Cir.
 8 1992)(“Where the evidence is of very slight (if any) probative value, it’s an abuse of
 9 discretion to admit it if there’s even a modest likelihood of unfair prejudice or a
 10 small risk of misleading the jury.”).

11 Accordingly, the Court should exclude any evidence and argument relating to
 12 Peters’ work on Star Trek props.

13 **III. CONCLUSION**

14 For the foregoing reasons, Plaintiffs request that testimony and documents
 15 discussing Peters’ unrelated work regarding Star Trek props be excluded from trial.

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 17 Dated: December 16, 2016

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 JENNIFER JASON

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 19
 20 By: /s/ Jennifer Jason
 Jennifer Jason
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